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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

In re S.R. et al., Persons Coming Under the  
Juvenile Court Law.

B214877  
(Los Angeles County  
Super. Ct. No. LK05073)

LOS ANGELES COUNTY  
DEPARTMENT OF CHILDREN AND  
FAMILY SERVICES,

Plaintiff and Respondent,

v.

HAZEL S.,

Defendant and Appellant.

APPEAL from orders of the Superior Court of Los Angeles County. Marilyn H. Mackel, Commissioner. Appeal dismissed.

Neale B. Gold, under appointment by the Court of Appeal, for Defendant and Appellant.

Robert E. Kalunian, Acting County Counsel, James M. Owens, Assistant County Counsel, and Tracey Dodds, Principal Deputy County Counsel, for Plaintiff and Respondent.

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Hazel S. (Mother) appeals from jurisdictional and dispositional orders with respect to her three children, S.R., born in March 1991 and now an adult, Angie V., born in July 1993, and Edward B., born in January 2005. We dismiss the appeal as moot because Angie was placed with Mother and juvenile court jurisdiction was terminated; Edward was placed in his father's custody under a family law order and juvenile court jurisdiction was terminated; and Mother's relationship with S.R., now an adult, would not be affected by a reversal of the orders, but S.R. would be deprived of independent living services and eligibility for college scholarships.

### **BACKGROUND**

Mother, a single mother, lived with her two teenage daughters and young son. Only Edward's father, I.B. (Father), appeared in this proceeding and had contact with the children.<sup>1</sup> Sixteen-year-old S.R. was a straight "A" student and a gifted track star who had won many competitions and had dreams of going to college and becoming a professional athlete. Because Angie started associating with the "wrong crowd," ditching school and shoplifting, and because S.R. spent a great deal of time with a boyfriend whom Mother did not like, Mother became stressed out and believed her daughters were being disrespectful and felt "terrorized" by them.

To punish S.R., Mother went to S.R.'s high school and had S.R. removed from the track team, knowing that S.R. loved to run, had a real chance of a professional career, and that several colleges were lined up with scholarship offers. Mother maintained that track competition was a privilege for S.R., not her right. Mother and S.R. had heated arguments about what S.R. perceived as Mother's attempt to destroy her future. When they were sitting in their parked car after church, Mother hit S.R. with her open hand on her neck, pinning her neck against the passenger seat of the car. Mother denied hitting S.R. or pinning her neck to the car seat; Mother claimed that she grabbed S.R.'s chin to

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<sup>1</sup> The whereabouts of S.R.'s alleged father, J.R., and Angie's alleged father, J.V., were unknown to Mother. These alleged fathers had no relationship with their respective daughters and did not appear in these proceedings.

direct her face toward her so that S.R. would listen to her. Later that evening, S.R. left home for a friend's home; although she called Mother, she would not tell Mother where she was staying. Mother and Angie looked for S.R., and when they could not find her, Mother filed a missing person report with the police. The next day, S.R. went to the police station to complain of Mother's abuse and to enlist the aid of the Los Angeles County Department of Children and Family Services (DCFS). According to DCFS's detention report, S.R. was "terrified of the fact that her mother is trying to use her parental authority over her to destroy her future and turn her into a miserable person. She said that she really is afraid of losing her future aspirations and needs DCFS to help her."

In November 2007, all three children were detained. Edward was placed with Father, where he remains. S.R. and Angie were placed in foster care, but in April 2008, Angie was returned to Mother under DCFS supervision. S.R. remained in the same foster home throughout these proceedings, where she thrived and was happy. S.R. consistently refused visitation with Mother and participated in only two conjoint counseling sessions with Mother in 2008. The first session terminated after 15 minutes because the therapist deemed Mother's behavior to be inappropriate; in the second session in June 2008, Mother would not speak to S.R. or hug her, and after the session Angie blamed S.R. for the family's current situation. In February 2009, DCFS reported that "[s]ince the conjoint session on 6/28/08, there has been no contact between [S.R.] and her mother. [S.R.] has repeatedly stated that she does not wish to visit with her mother, and mother has not contacted the Department requesting visitation with [S.R.]"

In December 2008, three months before she turned 18, S.R. told DCFS that she wanted to remain with her foster parents until she could become emancipated. DCFS reported that S.R. "is focused on attending college with no interruptions and chaos regarding the family's situation."

After a contested jurisdictional hearing in January 2009, Mother signed a waiver of rights on January 27, 2009, admitting the allegations in an amended petition, in which the children were declared dependents of the juvenile court under Welfare and Institutions Code section 300, subdivisions (b) (failure to protect), (g) (no provision for

support, as to the absent fathers of Angie and S.R. only), and (j) (abuse of sibling). As to Mother, the basis for the assertion of jurisdiction was the sustained allegation that “[t]here exists a severe parent-child conflict between [Mother] and the child [S.R.] which has resulted in a physical altercation in the past. Further the child [S.R.] refuses to return home. Such conduct places the children . . . at risk of physical and emotional abuse.”

In connection with the February 2009 disposition hearing, an Evidence Code section 730 evaluation was admitted which concluded that Mother did not have a major psychiatric illness or disturbance, but she exhibited some characteristics of an underlying personality disorder and some emotional problems which impaired her ability to deal more effectively with her teenage daughters. DCFS’s interim review report dated February 17, 2009, requested that S.R. be made a dependent as soon as possible “so that she may be able to access [independent living program] services as well as be eligible for college scholarships and to participate in celebration I, as she graduates from high school in four months.”

After a hearing, which Mother did not attend, the juvenile court removed S.R. from Mother’s custody and ordered a permanent plan of a permanent living arrangement with her foster parents with the specific goal of emancipation. Mother was afforded family reunification services, including counseling, and monitored visitation in a therapeutic setting and conjoint counseling with S.R. when both of their therapists deemed it appropriate. Angie was ordered placed home with Mother under DCFS’s supervision, and juvenile court jurisdiction was terminated as to Angie.

In March 2009, Edward was ordered placed with Father, and juvenile court jurisdiction was terminated as to Edward after a family law custody order was filed giving sole physical custody of Edward to Father, who had discretion to allow Mother unmonitored visits.

Mother appealed from the jurisdictional and dispositional orders. Her primary challenges are to the sufficiency of the evidence. In respondent’s brief, DCFS addresses the merits of Mother’s contentions, but also maintains that the appeal should be dismissed as moot. In Mother’s reply, she asserts that her appeal is not moot because DCFS may

again seek to detain Edward and Angie and Mother “lives in fear that the same thing will happen in the future with Angie or Edward.” She also maintains that we should address the merits because a dismissal would insulate the purported errors from review and juvenile court errors are matters of continuing public concern. As explained below, the appeal is moot and does not present a matter of public concern, so we will dismiss it.

## **DISCUSSION<sup>2</sup>**

“An appeal becomes moot when, through no fault of the respondent, the occurrence of an event renders it impossible for the appellate court to grant the appellant effective relief. [Citation.] However, a reviewing court may exercise its inherent discretion to resolve an issue rendered moot by subsequent events if the question to be decided is of continuing public importance and is a question capable of repetition, yet evading review. [Citations.] We decide on a case-by-case basis whether subsequent events in a juvenile dependency matter make a case moot and whether our decision would affect the outcome in a subsequent proceeding. [Citations.]” (*In re Yvonne W.* (2008) 165 Cal.App.4th 1394, 1404.)

“As a general rule, an order terminating juvenile court jurisdiction renders an appeal from a previous order in the dependency proceedings moot. [Citation.] However, dismissal for mootness in such circumstances is not automatic, but ‘must be decided on a case-by-case basis.’ [Citations.]” (*In re C.C.* (2009) 172 Cal.App.4th 1481, 1488.)

Mother fails to establish that this appeal raises any issue of continuing public importance. And because jurisdiction was terminated as to both Edward and Angie, we conclude that Mother’s appeal of the orders pertaining to them is moot. Mother’s fears of prejudice in hypothetical future proceedings in family law court (as to Edward) or

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<sup>2</sup> Mother’s notice of appeal mentions the orders pertaining to S.R. and Angie, but not the dispositional order as to Edward. Her notice of appeal makes no mention of the March 9, 2009 dispositional order or the March 10, 2009 custody order as to Edward. Her briefs nevertheless argue for reversal of the orders as to all of her children. In response to the mootness issue, Mother’s reply brief addresses her fears of future proceedings involving both Angie and Edward. We conclude that Mother seeks review of the jurisdictional order as to Edward.

dependency court (as to Angie) are entirely speculative. We decline to use valuable judicial resources to address matters that appear to have no practical effect on Mother's relationship with, or custody of, Angie and Edward. (As to Edward, see *ante*, fn. 2.)

We also conclude that Mother's appeal of the orders pertaining to S.R. is moot because a reversal of the jurisdictional order (that is, vacating juvenile court jurisdiction over S.R.) would have no practical effect on Mother's personal rights vis-à-vis her now adult daughter. (See *In re Dani R.* (2001) 89 Cal.App.4th 402, 404.)

Mother also does not show how she is aggrieved by the orders pertaining to S.R. "Standing to challenge an adverse ruling is not established merely because a parent takes a position on an issue that affects the minor [citation]; nor can a parent raise the minor's best interest as a basis for standing [citation]. Without a showing that a parent's personal rights are affected by a ruling, the parent does not establish standing. [Citation.] To be aggrieved or affected, a parent must have a legally cognizable interest that is affected injuriously by the juvenile court's decision." (*In re D.S.* (2007) 156 Cal.App.4th 671, 674.)

For all of the foregoing reasons, we conclude that the appeal is moot as to S.R. Even if our mootness conclusion is erroneous, Mother would not suffer prejudice because she would not have prevailed on the merits. Were we to address the issue of the sufficiency of the evidence, we would conclude that substantial evidence supports both the jurisdictional and dispositional orders because the juvenile court was entitled to believe S.R.'s version of the events and to reject Mother's version of the events.

Were we to address Mother's claim of error with respect to the failure to hold the dispositional hearing within 60 days of the commencement of the proceedings, we would conclude that the record does not show prejudicial error as it does not support her assertion that a timely dispositional hearing would have prevented her estrangement from S.R.

**DISPOSITION**

Hazel S.'s appeal filed on March 23, 2009, is dismissed.

NOT TO BE PUBLISHED.

MALLANO, P. J.

We concur:

ROTHSCHILD, J.

JOHNSON, J.